

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 07-12-11B

SKYWATER II AND III ANNEXATION ORDINANCE

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS, ANNEXING PROPERTY THAT IS PART OF AN AREA COMMONLY KNOWN AS THE SKYWATER OVER HORSESHOE BAY DEVELOPMENT, MORE PARTICULARLY DESCRIBED HEREINAFTER AND OWNED BY HB TEXAS DEVELOPMENT PARTNERS, L.P., INTO THE CITY, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY, AND GRANTING TO ALL THE INHABITANTS OF SAID TERRITORY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY; PROVIDING FOR EFFECTIVE DATE AND PROPER NOTICE AND MEETING

WHEREAS, on or about October 11, 2007, the City Council of the City of Horseshoe Bay (City Council) received a written petition from HB Texas Development Partners, L.P., requesting the annexation of a portion of the area commonly known as the Skywater Over Horseshoe Bay Development, Tracts II and III (Skywater II and III) and describing the same by metes and bounds; and

WHEREAS, the City Council held the first public hearing regarding the annexation on the November 13, 2007, at 3:06 p.m. in the City Council Chamber of the City Hall of the City of Horseshoe Bay, Texas; and

WHEREAS, the City Council held the second public hearing regarding the annexation on the November 13, 2007, at 3:07 p.m. in the City Council Chamber of the City Hall of the City of Horseshoe Bay, Texas; and

WHEREAS, both public hearings were conducted on or after the 40th day but before the 20th day before the adoption of this Ordinance; and

WHEREAS, after hearing public comments for and against the annexation of the territory, the City Council is of the opinion that the property should be annexed; and

WHEREAS, Local Government Code section 43.028 authorizes the annexation of the property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. ANNEXATION

The City Council hereby declares that the territory described as Skywater II and III and set out more fully in Exhibit A, attached hereto and incorporated herein for all purposes, is hereby annexed to the City of Horseshoe Bay, Texas, and that the boundary limits of the City are hereby extended to include the territory described at Exhibit A within the city limits of the City, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City and they shall be bound by the acts, ordinances, resolutions and regulations of the City.

III. SERVICE PLAN

The service plan for the annexed territory attached at Exhibit B, and incorporated herein for all purposes, is hereby adopted.

IV. ZONING

That pursuant to the provisions of the City's Zoning Ordinance, Skywater II and III hereby annexed shall be zoned PD (Planned Development).

V. OFFICIAL MAP

That the Mayor is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City of Horseshoe Bay, Texas to add the territory hereby annexed as required by law. That the official map and boundaries of the City of Horseshoe Bay, Texas, heretofore adopted and amended be and is hereby amended so as to include the aforementioned territory as part of the City of Horseshoe Bay, Texas.

VI. STAFF DIRECTIVES

The City Secretary is hereby authorized and directed to (a) file with the appropriate County Clerk a certified copy of this Ordinance; (b) prepare a submission for preclearance to the U.S. Department of Justice; (c) provide notice of the annexation to the Texas Secretary of State's office; and, (d) provide notice of the annexation to the Texas Comptroller's Office.

VII. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

VII. SEVERABILITY

If any section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance be found to be illegal, invalid or unconstitutional or if any portion of said property is incapable of being annexed by the City of Horseshoe Bay, Texas, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and as to this end the provisions of this Ordinance are declared to be severable.

IX. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

ADOPTED AND APPROVED on this 11th day of December, 2007 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

/S/

Robert W. Lambert, Mayor

ATTEST:

/S/

Toni Vanderburg, City Secretary

EXHIBIT A

Legal Description

EXHIBIT B

Service Plan